

House File 445 - Introduced

HOUSE FILE 445

BY STUTSMAN

A BILL FOR

1 An Act relating to county medical examiner fees.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.802, subsection 2, paragraphs b and
2 c, Code 2013, are amended to read as follows:

3 b. Except as provided in section 218.64 or as otherwise
4 provided by law, for each preliminary investigation and the
5 preparation and submission of the required reports, the county
6 medical examiner shall receive from the county of appointment a
7 fee determined by the board plus the examiner's actual ~~expenses~~
8 costs. Actual costs under this section shall be determined
9 by the county medical examiner and may include indirect
10 costs. "Indirect costs" may include but are not limited to
11 employment benefits, employee overtime pay, depreciation,
12 building maintenance, electricity and other utilities, motor
13 vehicle costs, office supplies, and insurance associated
14 with the administration of the office of the county medical
15 examiner. The fee and ~~expenses~~ actual costs paid by the county
16 of appointment shall be reimbursed to the county of appointment
17 by the county of the person's residence. However, if the
18 person's death is caused by a defendant for whom a judgment of
19 conviction and sentence is rendered under section 707.2, 707.3,
20 707.4, 707.5, or 707.6A, the county of the person's residence
21 may recover from the defendant the fee and ~~expenses~~ actual
22 costs.

23 c. The fee and ~~expenses~~ actual costs of the county medical
24 examiner who performs an autopsy or conducts an investigation
25 of a person who dies after being brought into this state
26 for emergency medical treatment by or at the direction of an
27 out-of-state law enforcement officer or public authority shall
28 be paid by the state. A claim for payment shall be filed
29 with the Iowa department of public health. If moneys are not
30 appropriated to the Iowa department of public health for the
31 payment of autopsies under this paragraph, claims for payment
32 shall be forwarded to the state appeal board and, if authorized
33 by the board, shall be paid out of moneys in the general fund of
34 the state not otherwise appropriated.

35 Sec. 2. Section 331.802, subsection 4, Code 2013, is amended

1 to read as follows:

2 4. The county medical examiner shall conduct the
3 investigation in the manner required by the state medical
4 examiner and shall determine whether the public interest
5 requires an autopsy or other special investigation. However,
6 if the death occurred in the manner specified in subsection
7 3, paragraph "j", the county medical examiner shall order an
8 autopsy, the ~~expense~~ actual costs of which shall be reimbursed
9 by the Iowa department of public health. In determining the
10 need for an autopsy, the county medical examiner may consider
11 the request for an autopsy from a public official or private
12 person, but the state medical examiner or the county attorney
13 of the county where the death occurred may require an autopsy.

14 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
15 3, shall not apply to this Act.

16 EXPLANATION

17 This bill relates to county medical examiner fees.

18 Current law provides that a county medical examiner shall
19 receive certain fees determined by the board of supervisors
20 plus the examiner's actual expenses for conducting preliminary
21 investigations and preparing and submitting required reports.
22 The bill provides that a county medical examiner shall receive
23 fees determined by the board plus the examiner's actual costs.
24 The bill provides that "actual costs" shall be determined by
25 the county medical examiner and may include indirect costs.
26 The bill further provides that "indirect costs" may include
27 but not be limited to employment benefits, employee overtime
28 pay, depreciation, building maintenance, electricity and other
29 utilities, motor vehicle costs, office supplies, and insurance
30 associated with the administration of the office of the county
31 medical examiner.

32 The bill may include a state mandate as defined in Code
33 section 25B.3. The bill makes inapplicable Code section 25B.2,
34 subsection 3, which would relieve a political subdivision from
35 complying with a state mandate if funding for the cost of

1 the state mandate is not provided or specified. Therefore,
2 political subdivisions are required to comply with any state
3 mandate included in the bill.